

ATTACHMENT TO REQUEST FOR RECONSIDERATION
Listing of Presented Claims 1-38 Pursuant to 37 CFR §1.173(d)

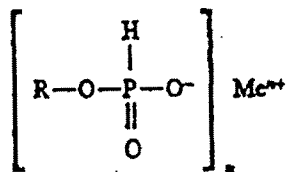
Listed below are all of the claims presented in this reissue application, including pending claims 1 – 8, 10 – 17, 20 – 35 and 37, which are reproduced in accordance with 37 CFR 1.173(d), where all changes to the '804 patent claims made in the reissue application filing and by the two subsequent amendments (filed December 27, 2005 and April 29, 2008) are shown relative to the '804 patent being reissued. Therefore, if a claim is not an original claim of the '804 patent it is identified as “New” and/or as “First amended” or “Twice amended” or “Thrice amended.” This listing corrects original/amended labeling included in previously submitted listings of claims.

1. (Twice amended) A method of combatting fungi and enhancing turf quality in turfgrass which comprises applying to said turfgrass synergistic fungicidally effective amounts of:

(a) a first active agent selected from the group consisting of

1 part by weight of

(i) a monoester salt of a phosphorous acid of Formula (I):



wherein: R is an alkyl radical having 2 to 4 carbon atoms,

Me is an alkali metal, alkaline earth, or aluminum atom, and

n is a whole number from 1 to 3 equal to the valence of Me; and

(ii) phosphorous acid or an alkali or alkali earth metal salt thereof; and

(b) from 0.01 to 0.1 parts by weight of a phthalocyanine compound,

wherein said method does not include the application of an ethylenebisdithiocarbamate contact fungicide.

2. (Original) The method according to claim 1, wherein said step of applying comprises applying 1 part by weight of said first active agent, and 0.05 parts by weight of said phthalocyanine compound.

3. (Original) The method according claim 1, wherein said phthalocyanine compound is Pigment Blue 15.

4. (Original) The method according to claim 1, wherein said phthalocyanine compound is not Pigment Blue 15.

5. (Original) The method according to claim 1, wherein said step of applying is carried out by applying said first active agent and said phthalocyanine compound to said turfgrass together in a common carrier.

6. (Original) The method according to claim 1, wherein said turfgrass is bentgrass.

7. (Original) The method according to claim 1, wherein said turfgrass is bermudagrass.

8. (Original) The method according to claim 1, wherein said first active agent is

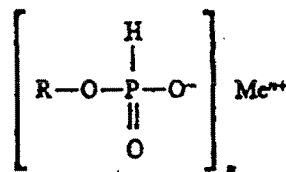
applied to said turfgrass in an amount of from about 8 to about 16 pounds active ingredient per acre, and said phthalocyanine compound is applied to said turfgrass in an amount of from about 0.2 to about 0.8 pounds per acre.

9. (canceled)

10. (Thrice amended) A fungicidal composition [tier] for enhancing turf quality wherein the active material [which comprises] present in synergistic fungicidally effective amounts consists essentially of [of an active material comprising]:

(a) 1 part by weight of a first active agent selected from the group consisting of

(i) a monoester salt of a phosphorous acid of Formula (I):



wherein:

R is an alkyl radical having 2 to 4 carbon atoms,

Me is an alkali metal, alkaline earth, or aluminum atom, and

n is a whole number from 1 to 3 equal to the valence of Me; and

(ii) phosphorous acid or an alkali or alkali earth metal salt thereof; and

(b) from 0.01 to 0.1 parts by weight of a phthalocyanine compound.

wherein the composition does not include an ethylenebisdithiocarbonate contact fungicide.

11. (Original) The composition according to claim 10, wherein said first active agent is said monoester salt of phosphorous acid, and R is selected from the group

consisting of ethyl, propyl, and butyl.

12. (Original) The composition according to claim 10, wherein said first active agent is said monoester salt of phosphorous acid, and Me is selected from the group consisting of aluminum, calcium, magnesium, and sodium.

13. (Original) The composition according to claim 10, wherein said first active agent is said monoester salt of phosphorous acid, and said compound of Formula (I) is selected from the group consisting of calcium ethyl phosphite, sodium ethyl phosphite, aluminum ethyl phosphite, magnesium isopropyl phosphite, calcium isopropyl phosphite, aluminum isopropyl phosphite, magnesium ethyl phosphite, magnesium isobutyl phosphite, magnesium sec-butyl phosphite, calcium isobutyl phosphite, aluminum N-butyl phosphite, aluminum sec-butyl phosphite, and aluminum isobutyl phosphite.

14. (Original) The composition according to claim 10, wherein said first active agent is said monoester of phosphorous acid, and said compound of Formula (I) is aluminum ethyl phosphite.

15. (Original) The composition according to claim 10, wherein said phthalocyanine compound is selected from the group consisting of Pigment Blue 16, Vat Blue 29, Pigment Blue 15, Heliogen Green GG. Ingrain Blue 14, Ingrain Blue 5, Ingrain Blue 1, Pigment Green 37, and Pigment Green 7.

16. (Original) The composition according to claim 10, wherein said phthalocyanine compound is Pigment Blue 15.

17. (Original) The composition according to claim 14, wherein said phthalocyanine compound is not Pigment Blue 15.

18. (canceled)

19. (canceled)

20. (Original) The composition according to claim 10, wherein said composition is an aqueous suspension.

21. (Original) The composition according to claim 10, wherein said composition is a wettable powder.

22. (Original) The method according to claim 1, wherein said first active agent comprises ethyl aluminum phosphite and said phthalocyanine compound comprises Pigment Blue 15.

23. (Original) The composition according to claim 10, wherein said first active agent comprises ethyl aluminum phosphite and said phthalocyanine compound comprises Pigment Blue 15.

24. (New - Amended) A method of combatting fungi and enhancing turf quality in turfgrass which comprises applying to said turfgrass synergistic fungicidally effective amounts of:

(a) 1 part by weight of a first active agent selected from the group consisting of phosphorous acid or an alkali or alkali earth metal salt thereof; and

(b) from 0.01 to 0.1 parts by weight of a phthalocyanine compound,
wherein said method does not include the application of an ethylenebisdithiocarbamate contact fungicide.

25. (New) The method according to claim 24, wherein said step of applying comprises applying 1 part by weight of said first active agent, and 0.05 parts by weight

of said phthalocyanine compound.

26. (New) The method according to claim 24, wherein said phthalocyanine compound is Pigment Blue 15.

27. (New) The method according to claim 24, wherein said phthalocyanine compound is not Pigment Blue 15.

28. (New) The method according to claim 24, wherein said step of applying is carried out by applying said first active agent and said phthalocyanine compound to said turfgrass together in a common carrier.

29. (New) The method according to claim 24, wherein said turfgrass is bentgrass.

30. (New) The method according to claim 24, wherein said turfgrass is bermudagrass.

31. (New) The method according to claim 24, wherein said first active agent is applied to said turfgrass in an amount of from about 8 to about 16 pounds active ingredient per acre, and said phthalocyanine compound is applied to said turfgrass in an amount of from about 0.2 to about 0.8 pounds per acre.

32. (New- Amended) A fungicidal composition for enhancing turf quality wherein the active material present in synergistic fungicidally effective amounts consists essentially of :

(a) 1 part by weight of a first active agent selected from the group consisting of phosphorous acid or an alkali or alkali earth metal salt thereof; and

(b) from 0.01 to 0.1 parts by weight of a phthalocyanine compound, and

wherein the composition does not include an ethylenebisdithiocarbamate contact fungicide.

33. (New) The composition according to claim 32, wherein said phthalocyanine compound is selected from the group consisting of Pigment Blue 16, Vat Blue 29, Pigment Blue 15, Heliogen Green GG. Ingrain Blue 14, Ingrain Blue 5, Ingrain Blue 1, Pigment Green 37, and Pigment Green 7.

34. (New) The composition according to claim 32, wherein said phthalocyanine compound is Pigment Blue 15.

35. (New) The composition according to claim 32, wherein said phthalocyanine compound is not Pigment Blue 15.

36. (canceled)

37. (New) The composition according to claim 32, wherein said composition is an aqueous suspension.

38. (New) The composition according to claim 32, wherein said composition is a wettable power.

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